

Report of	Meeting	Date
Corporate Director (Governance)  (Introduced by the Executive Member for Policy and Performance)	Council	15 July 2008

## REVIEW OF THE COUNCIL'S CONSTITUTION

### PURPOSE OF REPORT

1. To revise elements of the Council's Constitution to ensure that it remains an up to date and robust document for the Governance of the Council.

### RECOMMENDATION(S)

2. That the revised sections of the Constitution be approved as follows:
  - 2.1. A revised summary and explanation of the Constitution as enclosed as Appendix 1
  - 2.2. A revised Articles section of the Constitution as enclosed as Appendix 2
  - 2.3. Revisions to the scheme of delegations to officers in respect of planning matters as enclosed as Appendix 3 and described in the report.

### EXECUTIVE SUMMARY OF REPORT

3. The report recommends updating a number of sections within the Council's Constitution in line with previous agreed changes; updated legislation and the recent review of the decision making structure of the Council.

### REASONS FOR RECOMMENDATION(S)

#### (If the recommendations are accepted)

4. Maintaining an up to date Constitution is a key element with the Council's Code of Corporate Governance. The Council undertakes a review on at least annual basis in order to ensure compliance with new legislation, practices and procedures.

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. None.

## CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

## BACKGROUND

7. In 2007 a review was undertaken of the Council procedure rules. A review of the decision making structure was agreed at Council in April 2008 which required further Constitutional amendments. To further the progress of the review of the document, changes to the summary, articles and delegations are being proposed.

## SUMMARY

8. This section is an introduction to the Constitution and sets out in plain English the key components of the document. It includes the Council's vision and ambitions as well as citizens rights and an explanation of the Executive, Scrutiny and Regulatory decision making processes. An updated summary is attached as Appendix 1.

## ARTICLES

9. The articles of the Constitution are listed below:

- a. Constitution
- b. Members of the Council
- c. Citizen and the Council
- d. Full Council
- e. Mayor
- f. Overview & Scrutiny
- g. Executive
- h. Regulatory & other Committees
- i. Standards Committee
- j. Officers
- k. Decision Making
- l. Finance, Contracts & Legal
- m. Review & Revision of the Constitution
- n. Suspension & Interpretation of the Constitution
- o. Appendices to the Constitution

These have been updated and are enclosed as Appendix 2 to this report. Most of the changes are housekeeping measures. Some simplify or clarify the current wording of the Articles others reflect previous Council decisions e.g. in relation to way that Overview and Scrutiny operates or reflects new legislation e.g. in respect of Standards. New clauses though have been added at 5.01 making specific reference to the accepted principle of the Mayor behaving in a politically neutral manner and at 11.02 replacing an existing reference which required decision makers to have regard to human rights issues with a broader set of decision making principles incorporating human rights as well as other important principles. An additional Officer (the Legal Services Manager) has also been added to the list of those able to witness the use of the Council's seal.

## DELEGATIONS

10. Amendments are proposed to the Officer Scheme of Delegations in respect of development control decisions and the new wording appears at Appendix 3. The effect of the amendment will be to require all applications to build more than two houses to be referred for approval to Committee. In exceptional cases the Director will retain the power to refuse these applications where information is outstanding and delay would prevent the Council achieving prescribed timescales for decision making. The wording of the existing delegation has been slightly revised to improve clarity.
11. In addition it is proposed to take the opportunity when the Constitution is being reprinted to ensure that existing delegations refer to the appropriate Officer following recent restructures.

## IMPLICATIONS OF REPORT

13. This report has implications in the following areas and the relevant Corporate Directors' comments are included within the report:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

ANDREW DOCHERTY  
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	25 June 2008	